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PATENT
ATTORNEY DOCKET NO. 45636-5048

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Isabelle POQUET *et al.*

Application No.: 09/869,106

Filing Date: October 9, 2001

For: GRAM POSITIVE BACTERIA DEPRIVED HtrA PROTEASE ACTIVITY AND THEIR USES

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) Confirmation No.: 1150
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) Group Art Unit: 1645
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) Examiner: Jennifer E. Gr
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Commissioner for Patents
Washington, D.C. 20231

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1. Transmitted herewith is an Election and Preliminary Amendment in response to Office Action (Restriction Requirement) dated March 21, 2003.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicant believes that no extension of time is required. However, if the Applicant has inadvertently overlooked the need for a petition and fee, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted

Dated: April 21, 2003
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